

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA**

UNITED STATES OF AMERICA	)	Case No. 1:22-cr-81
	)	
v.	)	District Judge Atchley
	)	Magistrate Judge Lee
EALION LEE LANCE	)	

**ORDER**

Magistrate Judge Susan K. Lee filed a report and recommendation [Doc. 49] recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea as to Count Five and Count Six of the six-count Indictment; (2) accept Defendant's plea of guilty to the lesser included offense of the charge in Count Five, that is, possession with intent to distribute methamphetamine (actual), in violation of Title 21 U.S.C. §§ 841(a)(1), and 841(b)(1)(C) and to Count Six; (3) adjudicate Defendant guilty of the lesser included offense of the charge in Count Five, that is, possession with intent to distribute methamphetamine (actual), in violation of Title 21 U.S.C. §§ 841(a)(1), and 841(b)(1)(C) and of Count Six; (4) defer a decision on whether to accept the plea agreement [Doc. 43] until sentencing; and (5) order that Defendant remain in custody until sentencing in this matter. [Doc. 49]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Lee's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 49] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea as to Count Five and Count Six of the Indictment is **GRANTED**;

2. Defendant's plea of guilty to the lesser included offense of the charge in Count Five, that is, possession with intent to distribute methamphetamine (actual), in violation of Title 21 U.S.C. §§ 841(a)(1), and 841(b)(1)(C), and to Count Six is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of Count Six and of the lesser included offense of the charge in Count Five, that is, possession with intent to distribute methamphetamine (actual), in violation of Title 21 U.S.C. §§ 841(a)(1), and 841(b)(1)(C);
4. A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and
5. Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **May 9, 2024 at 10:00 a.m. [EASTERN]** before the undersigned.

**SO ORDERED.**

/s/ Charles E. Atchley, Jr.

CHARLES E. ATCHLEY, JR.

UNITED STATES DISTRICT JUDGE